From: David Martin
To: Microsoft ATR
Date: 1/28/02 3:22pm
Subject: Microsoft Settlement

To: microsoft.atr@usdoj.gov
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To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. In my opinion, the Proposed Final Judgement (PFJ) does not protect the interests of the American public, and does not address the anti-competitive practices Microsoft was found guilty of. In particlular, I would like to make the following points:

The PFJ doesn't take into account Windows-compatible competing operating systems

The PFJ Contains Misleading and Overly Narrow Definitions and Provisions

The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft

The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft

The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs

The PFJ as currently written appears to lack an effective enforcement mechanism

As a professional working in the Computer Software industry, I have personally observed the effect Microsofts monopoly power has had. It has stifled innovation, blocked investment in promising competitive technologies, and severely distorted the efficiency of the software marketplace. Today, no one knows what the economic value of a PC operating system is, or a web browser, or an email client. Microsofts monopoly has blocked the free flow of information and capital that is essential to a healthy market. The decision by the Justice Department to capitulate to Microsoft is a gross injustice to the average consumer of computer software.

In summary, the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,

David M. Martin
74 Shelters Rd.
Groton, Massachusetts

Dmartin82@yahoo.com
